

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SANDRA JEANNE RANCOURT,

Plaintiff,

v.

Case No. 1:18-cv-00042
Honorable Janet T. Neff
Magistrate Ellen S. Carmody

EXPERIAN INFORMATION SOLUTIONS, INC.,
TRANS UNION LLC,
EQUIFAX, INC.,

Defendants.

**DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.'S
ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF'S COMPLAINT**

Defendant Experian Information Solutions, Inc. ("Experian"), through its counsel, hereby submits the following Answer and Affirmative Defenses in response to Plaintiff's Complaint:

JURISDICTION

1. Defendant admits that jurisdiction in this Court is proper under 15 U.S.C. §1681p.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.

PARTIES

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
4. Defendant admits this allegation.
5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.

VENUE

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
8. Defendant has no objection to venue in this Court.

GENERAL ALLEGATIONS

9. Defendant lacks knowledge or information sufficient to form a belief regarding the truth of this allegation and leaves Plaintiff to her proofs.
10. Defendant denies that it sends credit reports to consumers. Defendant instead sends a consumer a full credit disclosure when one is properly requested. As to the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief regarding the truth of these allegations as pled and leaves Plaintiff to her proofs.
11. Defendant lacks knowledge or information sufficient to form a belief regarding the truth of these allegations and leaves Plaintiff to her proofs.
12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
13. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
14. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.

15. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs. Defendant affirmatively states that to the extent this is an allegation of law, no response is required and the FCRA speaks for itself.
16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
18. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
19. Defendant denies that it sends consumers copies of credit reports. Defendant instead provides copies of consumer disclosures when properly requested by a consumer. As to the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and leaves Plaintiff to her proofs.
20. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
21. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
22. Defendant denies this allegation as it pertains to any disclosures from Experian. As to the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and leaves Plaintiff to her proofs.

23. Defendant denies this allegation as it relates to the business practices of Experian. Experian affirmatively states that its disclosures to consumers contain a full and accurate reflection of the information Experian has in its database for that consumer. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
24. Defendant denies it fails to disclose information to consumers when it provides a consumer a consumer disclosure and, therefore, denies this allegation. As to the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and leaves Plaintiff to her proofs.
25. Defendant denies that it has information it refuses to provide to consumers in their disclosures. As to the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and leaves Plaintiff to her proofs.
26. Defendant denies that it withholds information from consumers in their disclosures. As to the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and leaves Plaintiff to her proofs.
27. Defendant admits that its credit reports to its subscribers are in a different format than a disclosure to a consumer, but denies that same are encrypted or that same contain instructions that the document is not to be shown to the consumer. As for the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and leaves Plaintiff to her proofs.

28. Defendant denies that it acts with any nefarious intent when it provides credit reports to third parties. As to the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief as to the truth of these allegations and leaves Plaintiff to her proofs.
29. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.
30. Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation and leaves Plaintiff to her proofs.

COUNT I

VIOLATION OF THE FAIR CREDIT REPORTING ACT, 15 U.S.C. § 1681, WILLFUL NON-COMPLIANCE BY DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.

31. Defendant restates its prior responses as though set forth herein.
32. Defendant admits this allegation.
33. Defendant admits this allegation.
34. Defendant denies this allegation as same is untrue.

WHEREFORE, Defendant requests that all claims against Experian be dismissed in their entirety and that Defendant be awarded all such costs and fees as deemed appropriate by this Court.

COUNT II

VIOLATION OF THE FAIR CREDIT REPORTING ACT, 15 U.S.C. § 1681, WILLFUL NON-COMPLIANCE BY DEFENDANT TRANS UNION LLC

35. Defendant restates its prior responses as though set forth herein.

36. This claim is not made against this Defendant and, therefore, no response is required.
37. This claim is not made against this Defendant and, therefore, no response is required.
38. This claim is not made against this Defendant and, therefore, no response is required.

COUNT III

**VIOLATION OF THE FAIR CREDIT REPORTING ACT, 15 U.S.C. § 1681,
WILLFUL NON-COMPLIANCE BY DEFENDANT EQUIFAX, INC.**

39. Defendant restates its prior responses as though set forth herein.
40. This claim is not made against this Defendant and, therefore, no response is required.
41. This claim is not made against this Defendant and, therefore, no response is required.
42. This claim is not made against this Defendant and, therefore, no response is required.

Respectfully submitted,

WILLIAMS, WILLIAMS, RATTNER
& PLUNKETT, P.C.

By: /s/ Tamara E. Fraser
Tamara E. Fraser (P51997)
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tefraser@wwrplaw.com

DATED: February 12, 2018

AFFIRMATIVE DEFENSES

Defendant Experian Information Solutions, Inc. submits the following as its list of affirmative defenses in this matter:

1. Plaintiff's Complaint fails to state a claim against Defendant Experian Information Solutions, Inc. upon which relief can be granted.
2. Defendant Experian has at all times complied with the Fair Credit Reporting Act.
3. Defendant Experian's procedures were reasonable.
4. The information which Defendant Experian reported on Plaintiff's credit report was true or substantially true.
5. Plaintiff has failed to properly mitigate her damages, if any.
6. Plaintiff's damages, if any, were caused by the actions of others and not Experian Information Solutions, Inc.
7. Plaintiff's own actions have contributed to her damages, if any.
8. Plaintiff has failed to plead any jurisdictional allegations.
9. Defendant relies upon all affirmative defenses asserted by co-Defendants.
10. Defendant Experian reserves the right to supplement its affirmative defenses in the event other information becomes available during discovery or otherwise.

Respectfully submitted,

WILLIAMS, WILLIAMS, RATTNER
& PLUNKETT, P.C.

By: /s/ Tamara E. Fraser
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DATED: February 12, 2018

CERTIFICATE OF SERVICE

I, Tamara E. Fraser, hereby certify that on the 12th day of February, 2018, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will automatically send notification of such filing to:

Sandra Davis Jansen, Esq.

Scott E. Brady, Esq.

I also hereby certify that I have mailed by United States Postal Service the papers to the following:

Sandra Jeanne Rancourt
9083 Dennings Road
Jonesville, Michigan 49250

/s/ Tamara E. Fraser

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